

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	<u>PROPOSED FINAL ORDER OF</u>
	:	<u>FORFEITURE</u>
-v.-	:	
	:	S2 22 Cr. 251 (LJL)
RAFAEL MARTINEZ,	:	
	:	
Defendant.	:	
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WHEREAS, on or about March 24, 2023, this Court entered a Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment (the “Preliminary Order of Forfeiture”) (D.E. 66), which ordered the forfeiture to the United States of all right, title and interest of RAFAEL MARTINEZ (the “Defendant”) in, *inter alia*, the following property:

- a. \$250,273.84 formerly on deposit in JPMorgan Chase Bank, N.A. account number 3375794608, held in the name of Rafael Martinez, seized by the Government on or about March 8, 2022;
- b. \$10,544,757.26 formerly on deposit in Carver Federal Savings Bank account number 110013868, held in the name of “MBE Capital Partners, LLC,” seized by the Government on or about March 9, 2022;
- c. \$4,560,000 formerly on deposit in Citibank, N.A. account number 9348809151, held in the name of Rafael Martinez, seized by the Government on or about March 9, 2022;
- d. A White 2017 Ferrari Model 488 Spider, with VIN No. ZFF80AMAXH0228614, and New Jersey License Plate No. D7NWE;
- e. A Black 2021 BMW Model 750, with VIN No. WBA7U2C04MCF02203, and New Jersey License Plate No. R56PBG; and
- f. A 2018 Porsche Model 911 Turbo, with VIN No. WP0CD2A98JS162197, and New Jersey License Plate No. M38PVZ,

(a. through f., collectively, the “Specific Property”);

WHEREAS, the Preliminary Order of Forfeiture directed the United States to publish, for at least thirty (30) consecutive days, notice of the Preliminary Order of Forfeiture, notice of the United States’ intent to dispose of the Specific Property, and the requirement that any person asserting a legal interest in the Specific Property must file a petition with the Court in accordance with the requirements of Title 21, United States Code, Sections 853(n)(2) and (3). Pursuant to Section 853(n), the United States could, to the extent practicable, provide direct written notice to any person known to have an alleged interest in the Specific Property and as a substitute for published notice as to those persons so notified;

WHEREAS, the provisions of Title 21, United State Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, require publication of a notice of forfeiture and of the Government’s intent to dispose of the Specific Property before the United States can have clear title to the Specific Property;

WHEREAS, the Notice of Forfeiture and the intent of the United States to dispose of the Specific Property was posted on an official government internet site (www.forfeiture.gov) beginning on July 26, 2023, for thirty (30) consecutive days, through August 24, 2023, pursuant to Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty and Maritime Claims and Asset Forfeiture Actions and proof of such publication was filed with the Clerk of the Court;

WHEREAS, on or about June 15, 2023, Notice of the Preliminary Order of Forfeiture was sent via certified mail to the following parties:

Chelsea Martinez
c/o Cesar de Castro, Esq.
111 Fulton Street, Suite 602
New York, NY 10038

Carra Wallace
c/o Max Nicholas, Esq.
Spears & Imes LLP
767 3rd Avenue
New York, NY 10017

Louis Green
c/o George B. Donnini, Esq.
Butzel Attorneys and Counselors,
201 West Big Beaver Road, Suite 1200
Troy, MI 48084

(collectively, the “Noticed Parties”).

WHEREAS, since final publication of the Notice of Forfeiture, thirty (30) days have expired and no petitions or claims to contest the forfeiture of the Specific Property have been filed;

WHEREAS, the Defendant and the Noticed Parties are the only individuals and/or entities known by the Government to have a potential interest the Specific Property; and

WHEREAS, pursuant to Title 21, United States Code, Section 853(n)(7), the United States shall have clear title to any forfeited property if no petitions for a hearing to contest the forfeiture have been filed within thirty (30) days of final publication of notice of forfeiture as set forth in Title 21, United States Code, Section 853(n)(2);

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. All right, title and interest in the Specific Property is hereby forfeited and vested in the United States of America, and shall be disposed of according to law.

2. Pursuant to Title 21, United States Code, Section 853(n)(7) the United States of America shall and is hereby deemed to have clear title to the Specific Property.

3. The United States Department of Treasury (or its designee) shall take possession of the Specific Property and dispose of the same according to law, in accordance with Title 21, United States Code, Section 853(h).

Dated: New York, New York
November 17, 2023

SO ORDERED:

A handwritten signature in black ink, appearing to read "L. Liman", is written over a horizontal line.

HONORABLE LEWIS J. LIMAN
UNITED STATES DISTRICT JUDGE